IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

Crl.MC.No. 18 of 2005(B)

CC.1529/2002 of ADDL.CHIEF JUDICIAL MAGISTRATE, ERNAKULAM
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PETITIONER:

K.J.JOSE, PROPRIETOR,
SYSTEMS, RAVIPURAM JUNCTION,
ERNAKULAM, KOCHI-15.

BY ADV. SRI.TOMY SEBASTIAN

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. V.P.SHUAIB, WAGE NO.553 USA POOL,
WILLINGTON ISLAND.

BY ADV. SRI.N.RATHEESH
SMT.SUMA RATHEESH
SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 10/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL. M.A. NO. 54/2005 IN CRL. M.C. NO. 18 /2005

DISMISSED

10.01.2007 SD/- K.R. UDAYABHANU, JUDGE.

/True Copy/

P.A. to Judge.

K.R. UDAYABHANU, J

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CRL. M.C. NO. 18 OF 2005

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Dated this the 10th day of January 2006

O R D E R

The petitioner, who is the accused in C.C. No. 1529/2002 in the court of Additional Chief Judicial Magistrate Court, Ernakulam with respect to offence under section 420 of Indian Penal Code alleging that he supplied an Akai colour Television set which was found to be duplicate and defective to the complainant, has sought for getting the above proceedings quashed contending that he was only a dealer and that he had provided guarantee for two years. It is further contended that he is a retailer with high reputation and that the complaint filed earlier and forwarded under section 156 (3) Cr.P.C to the police ended in a refer report. According to him, the complaint cannot be sustained.

2. The above are the contentions based on facts to be established and which the petitioner can raise before the court below. I find no grounds to quash the proceedings in exercise of the inherent power. The petitioner may apply for discharge as well.

The Crl. M.C is dismissed accordingly.

K.R. UDAYABHANU, JUDGE.

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